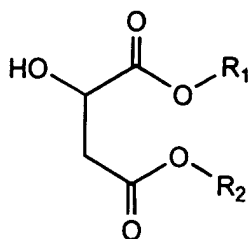


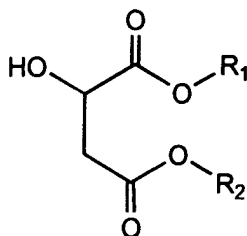
B1



where R₁ and R₂ are C3 to C6 alkyl groups.

12. (Amended) An aqueous composition comprising in an aqueous medium which is at least 90 wt% water an inorganic compound which is a mineral ore or a pigment or an organic compound which is a pigment, a polymerizable monomer, an oligomeric resin, a polymeric resin, a detergent, a herbicide, an insecticide, a fungicide, or a plant growth modifying agent and an effective amount of a malate diester for reducing the dynamic surface tension of the composition, the malate diester having the structure:

B2



where R₁ and R₂ are a C3 to C6 alkyl group.

REMARKS

The present application is a divisional of parent application Ser. No. 09/427,317 filed 26 October 1999 in which present Claims 1-20 were rejected under 35 USC 103a as being unpatentable over Mattai (US 5,904,917).

Mattai is directed to a skin cleansing, sun protecting composition comprising a sun protecting hydrophobic agent, a polar organic solvent, an oil and a surfactant. Mattai at Col 2/16-39 teaches a laundry list of many possible combinations of alkyl groups and acid groups for making suitable ester compounds that can be used as the oil component. Malate diesters of the type defined in Applicants' pending claims are among the very numerous suggested possibilities as the oil component. Specifically, Mattai states that as the oily material "many esters and diesters can be utilized based on the combinations of glyceryl, *ethyl, isopropyl, hexyl, benzyl, octyl*, decyl, . . . groups for one part and acetate, lactate, . . . *malate*, . . . groups on the other part."

Attached is a Rule 132 Declaration of co-inventor Caroline Slone filed in the prosecution of parent application Ser. No. 09/427,317 and presenting dynamic surface